



**The Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: Systems and Simulation, Inc.

File: B-236315

Date: August 18, 1989

DIGEST

The Small Business Administration's determination that a firm is other than a small business renders firm ineligible for award under solicitation set aside for small businesses.

DECISION

Systems and Simulation, Inc. (SSI), protests the award of a contract to any other offeror under request for proposals (RFP) No. N61339-89-R-0001, a 100 percent small business set-aside, issued by the Naval Training Systems Center for a weapon system trainer device. SSI argues that the Navy improperly found it nonresponsible based on a negative pre-award survey.


The contracting officer determined SSI to be nonresponsible as the result of a negative preaward survey. The contracting officer referred the matter to the Small Business Administration (SBA) for consideration under the SBA's certificate of competency (COC) procedures. During the SBA's review of SSI under its COC procedures, SBA determined that SSI is other than a small business.

Since the SBA has determined that the protester other than a small business, the firm is not eligible for award under the subject solicitation, which is set aside for small businesses. Dragon Servs. Inc., B-228912, Oct. 7, 1987, 87-2 CPD ¶ 344. That being so, the protester's concern

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about the nonresponsibility determination is academic since SSI could not receive the award in any event.

Accordingly, the protest is dismissed.


Ronald Berger
Associate General Counsel